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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,442	04/12/2004	William M. Randle	3994893-139698.2	4808
7590	08/30/2005			EXAMINER CANGIALOSI, SALVATORE A
Edwin M. Baranowski Porter Wright Morris & Arthur LLP Suite 3100 41 South High Street Columbus, OH 43215			ART UNIT 3621	PAPER NUMBER
DATE MAILED: 08/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/823,442	RANDLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Salvatore Cangialosi	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 June 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 177-196 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 177-196 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 177-196 are rejected under 35 U.S.C. § 103 as being unpatentable over Lee et al (6170744) in view of either Hayosh (6212504 or 6611598).

Regarding claim 177, Lee et al (See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14) disclose system for capturing check images with servers and digital signature for the check images and validation for service substantially as claimed. The differences between the above and the claimed invention is the use of specific MICR digitally signed checks. It is noted that it is believed that check images are functionally equivalent to the claimed limitations and that the claim as drawn is readable on any the well established bank clearing transaction methods.

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Either Hayosh(See Figs. 2, 9 and 10) show MICR digitally signed checks. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Lee et al because the MICR checks are conventional functional equivalents with respect to the claim limitations and their employment is a necessary component of validation and use in a bank clearing system. Regarding the viewing limitations of claim 178, Lee et al (See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14) disclose capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations. Regarding the timing limitations of claim 179, Lee et al (See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14) disclose capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations. Regarding the MICR limitations of claim 180, Hayosh(See Figs. 2, 9 and 10) show MICR digitally signed checks which is a functional equivalent of the claim limitations. Regarding the timing limitations of claim 181, Lee et al (See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14) disclose capturing check images with servers and digital signature for the check images and validation for service which is a functional equivalent of the claim limitations. Regarding

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the clearing limitations of claim 182, standard bank check clearing criteria established by Federal Reserve regulation are the functional equivalent of the claim limitations. Regarding the quality limitations of claim 183, standard bank check clearing criteria established by Federal Reserve regulation are the functional equivalent of the claim limitations. Regarding the quality limitations of claim 184, standard bank check clearing criteria established by Federal Reserve regulation are the functional equivalent of the claim limitations. (Note it is not clear what standard is being claimed.) Regarding the network limitations of claim 185, Lee et al (See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14) disclose a network for capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations. Regarding the scoring limitations of claim 186, standard bank check clearing criteria established by Federal Reserve regulation are the functional equivalent of the claim limitations. Regarding the storage limitations of claim 187, Lee et al (See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14) disclose a network including storage for capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations. Regarding the replacement limitations of claim 188, Lee et al

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(See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14) disclose a network for capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations because standard banking practice provides archives of checks. Regarding the flagging limitations of claim 189, standard bank check clearing criteria established by Federal Reserve regulation are the functional equivalent of the claim limitations. Regarding claim 190, Lee et al (See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14) disclose system for capturing check images with servers and digital signature for the check images and validation for service substantially as claimed. The differences between the above and the claimed invention is the use of specific MICR digitally signed checks. It is noted that it is believed that check images are functionally equivalent to the claimed limitations and that the claim as drawn is readable on any the well established bank clearing transaction methods. Either Hayosh(See Figs. 2, 9 and 10) show MICR digitally signed checks. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Lee et al because the MICR checks are conventional functional equivalents with respect to the claim limitations and their employment is a necessary component of validation and use in a bank clearing system. Regarding the

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network limitations of claim 191, Lee et al (See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14) disclose a network for capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations. Regarding the network limitations of claim 192, Lee et al (See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14) disclose a network for capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations.

Regarding the scheduling limitations of claim 193, standard bank check clearing criteria established by Federal Reserve regulation are the functional equivalent of the claim limitations. Regarding the display limitations of claim 194, standard bank check clearing criteria established by Federal Reserve regulation are the functional equivalent of the claim limitations. Regarding the capture limitations of claim 195, Lee et al (See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14) disclose a network for capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations. Regarding the capture limitations of claim 196, Lee et al (See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14)

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disclose a network for capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations.

Regarding the network limitations of claim 197, Lee et al (See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14) disclose a network for capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations. Regarding the access limitations of claim 198, Lee et al (See abstract, Figs. 1-4, Col. 3, lines 40-65, Col. 4, lines 1-50, Col. 5, lines 55-65, Cols. 13 and 14) disclose a network for capturing check images with servers and digital signature for the check images and validation for service that is a functional equivalent of the claim limitations.

**Examiner's Note:** Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed

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invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The examiner can normally be reached 6:30 AM to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at **(571) 272-6712**.

**Any response to this action should be mailed to:**

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*S. Cangialosi*  
SALVATORE CANGIALOSI  
PRIMARY EXAMINER  
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